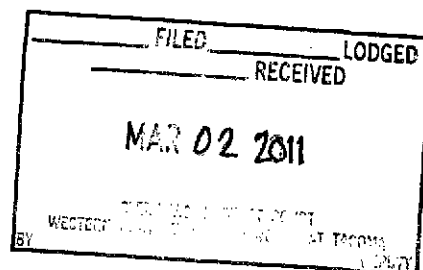


Magistrate Judge

10-CR-05797-ORD



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10	UNITED STATES OF AMERICA,) NO. CR10-5797
11	Plaintiff,) FINDINGS AND ORDER ACCEPTING
12	vs.) DEFENDANT FOR DEFERRED
13	JO LEE SCOTT,) PROSECUTION, APPROVING
14	Defendant/Petitioner.) TREATMENT PLAN, AND DIRECTING
15) DEFENDANT TO TAKE TREATMENT
) AS PRESCRIBED
) (Clerk's Action Required)

THIS MATTER, coming on for hearing this 2 day of March, 2011,
upon the defendant's Petition for Deferred Prosecution; the defendant appearing in
person and by her/his attorney, Chris Kerkerling, and the United States of America being
represented by Barbara J. Sievers, Assistant United States Attorney; the Court, having
examined and incorporated into the record Petitioner's Petition and Statement in support
of deferred prosecution, the evaluation and treatment report prepared by Freedom
Recovery Center, and the files and records herein, being fully advised in the premises,
does now make and enter the following:

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///
///

FINDINGS AND ORDER ACCEPTING DEFENDANT
FOR DEFERRED PROSECUTION - 1
(CR10-5797; JO LEE SCOTT)

FEDERAL PUBLIC DEFENDER
1601 Fifth Avenue, Suite 700
Seattle, Washington 98101
(206) 553-1100

I. FINDINGS OF FACT

A. On or about the 2nd day of October, 2010, Petitioner was charged with the offense/offenses charged in the Information. This offense occurred as a direct result of alcoholism/chemical dependency problems;

B. Petitioner suffers from an alcohol/drug problem and is in need of treatment;

C. The probability of similar misconduct in the future is great if the problem is not treated;

D. Petitioner is amenable to treatment;

E. An effective rehabilitative treatment plan is available to Petitioner through Freedom Recovery Center, an approved treatment facility as designated by the Code of Federal Regulations, and Petitioner agrees to be liable for all costs of this treatment program;

F. That Petitioner agrees to comply with the terms and conditions of the program offered by the treatment facility as set forth in the diagnostic evaluation from Freedom Recovery Center, attached to Statement of Petitioner filed herewith, and that Petitioner agrees to be liable for all costs of this treatment program;

G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and sufficiency of the facts as contained in the written police report attached to Statement of Petitioner filed herewith.

H. That Petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of this Order Granting Deferred Prosecution and that these reports will be used to support a finding of guilt;

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///

1 From the foregoing FINDINGS OF FACT, the Court draws the following:

2 **II. CONCLUSIONS OF LAW**

3 A. That the above-entitled Court has jurisdiction over the subject matter and
4 Petitioner JO LEE SCOTT, in this case;

5 B. That Petitioner's Petition for Deferred Prosecution meets the requirements
6 of 36 Code of Federal Regulations;

7 C. That the diagnostic evaluation and commitment to treatment meets the
8 requirements of 36 Code of Federal Regulations;

9 D. That Petitioner is eligible for deferred prosecution.

10 **III. ORDER**

11 Having made and entered the foregoing FINDINGS OF FACT and
12 CONCLUSIONS OF LAW, it is hereby

13 ORDERED that the defendant is accepted for deferred prosecution. The
14 prosecution of the above-entitled matter is hereby deferred for five (5) years pursuant to
15 36 Code of Federal Regulations, upon the following terms and conditions:

16 A. Petitioner shall be on probation for the deferral period and follow the rules
17 and regulations of probation;

18 B. Petitioner shall enroll in and successfully complete the two-year treatment
19 program recommended by Freedom Recovery Center, according to the terms and
20 conditions of that plan as outlined in the diagnostic evaluation, a true copy of which is
21 attached to the Petition and incorporated herein by reference. Petitioner shall not change
22 treatment agencies without prior Probation approval;

23 C. The treatment facility, Freedom Recovery Center, shall file with the
24 United States Probation Office status reports of Petitioner's compliance with treatment,
25 monthly during the first year of the deferred prosecution period and every three (3)
26

1 months during the second year. The Court may increase the frequency of these reports
2 at its discretion;

3 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
4 change;

5 E. Petitioner shall abstain during the deferred prosecution period from any
6 and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

7 F. Petitioner shall not operate a motor vehicle on the public highways without
8 a valid operator's license and proof of liability insurance sufficient to comply with the
9 state laws on financial responsibility;

10 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
11 related offenses or other criminal offenses during the period of deferral;

12 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
13 questioned, or cited by law enforcement;

14 I. In the event that Petitioner fails or neglects to carry out and fulfill any term
15 or condition of his/her treatment plan or violates any provision of this Order or any rule
16 or regulation of his/her probation officer, upon receiving notice, the Court shall hold a
17 hearing to determine why Petitioner should not be removed from deferred prosecution
18 and prosecuted for the offense/offenses charged;

19 J. In the event the Court finds cause to revoke this deferred prosecution, the
20 stipulated police reports shall be admitted into evidence, and Petitioner shall have
21 his/her guilt or innocence determined by the Court;

22 K. That the statement of Petitioner for deferred prosecution shall remain
23 sealed, and all subsequent reports or documents relating to his/her treatment information
24 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

25 L. That the Department of Licensing be notified of this Order accepting the
26 Petitioner for deferred prosecution;

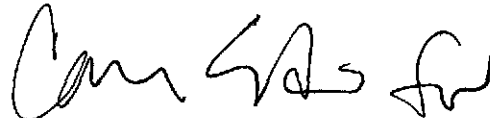
1 M. Upon proof of Petitioner's successful completion of five years deferral
2 period in this Order, the Court shall dismiss the charges pending against Petitioner.

3 N. Additional conditions: _____
4 _____
5 _____

6
7 DONE IN OPEN COURT this 2 day of march., 2011.
8

9 
10 _____
11 UNITED STATES MAGISTRATE JUDGE

12 Presented by:

13 
14 _____

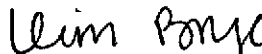
15 CHRIS KERKERING
16 Attorney for Petitioner

17 I have received a copy of the foregoing Order of Deferred Prosecution. I have
18 read and understand its contents, and agree to abide by the terms and conditions set forth
19 herein.

20 Dated: 3/2/11

21 
22 _____
23 JO LEE SCOTT
24 Petitioner

25 I certify that a copy of this signed Order was mailed to the subject treatment
26 facility, on march 3, 2011. The United States Probation Office was also
furnished a copy of this Order.

27 
28 _____
29 Clerk